

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
DETECTIVE MICHAEL TAKAKI,) No. 13 PB 2830
STAR No. 20492, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
RESPONDENT.) (CR No. 1044108)

FINDINGS AND DECISION

On March 8, 2013, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Detective Michael Takaki, Star No. 20492 (hereinafter sometimes referred to as “Respondent”), recommending that the Respondent be discharged from the Chicago Police Department for violating the following Rules of Conduct:

Rule 6: Disobedience of an order or directive, whether written or oral.

Rule 21: Failure to report promptly to the Department any information concerning any crime or other unlawful action.

Rule 22: Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.

Rule 41: Disseminating, releasing, altering, defacing or removing any Department record or information concerning police matters except as provided by Department orders.

Rule 46: Advising any person engaged in a professional or commercial service that such professional or commercial services may be needed.

The Police Board caused a hearing on these charges against the Respondent to be had before Jacqueline A. Walker, Hearing Officer of the Police Board, on August 28, 2013.

Following the hearing, the members of the Police Board read and reviewed the record of the proceedings and viewed the video-recording of the testimony of the witnesses. Hearing

Officer Walker made an oral report to and conferred with the Police Board before it rendered its findings and decision.

POLICE BOARD FINDINGS

The Police Board of the City of Chicago, as a result of its hearing on the charges, finds and determines that:

1. The Respondent was at all times mentioned herein employed as a police officer or as a detective by the Department of Police of the City of Chicago.
2. The written charges, and a Notice stating when and where a hearing on the charges was to be held, were served upon the Respondent more than five (5) days prior to the hearing on the charges.
3. Throughout the hearing on the charges the Respondent appeared in person and was represented by legal counsel.
4. The Respondent, Detective Michael Takaki, Star No. 20492, charged herein, is **guilty** of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral, in that:

On and before July 2, 2010, Detective Michael Takaki divulged the contents of LEADS/Secretary of State records to a non-Departmental person, in violation of General Order 98-07-04A, entitled "Access to Computerized Data, Dissemination and Retention of Computer Data," Item VIII-A.

The Respondent pled guilty to this charge.

5. The Respondent, Detective Michael Takaki, Star No. 20492, charged herein, is **guilty** of violating, to wit:

Rule 21: Failure to report promptly to the Department any information concerning any crime or other unlawful action,

in that:

On and before July 2, 2010, Detective Michael Takaki was aware of allegations that Chicago police officers from the 014th District were receiving bribe payments from tow truck drivers and Detective Takaki failed to report the alleged misconduct to the Department.

The Respondent pled guilty to this charge.

6. The Respondent, Detective Michael Takaki, Star No. 20492, charged herein, is **guilty** of violating, to wit:

Rule 22: Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department,

in that:

On and before July 2, 2010, Detective Michael Takaki was aware of allegations that Chicago police officers from the 014th District were receiving bribe payments from tow truck drivers and Detective Takaki failed to report the alleged misconduct to the Department.

The Respondent pled guilty to this charge.

7. The Respondent, Detective Michael Takaki, Star No. 20492, charged herein, is **guilty** of violating, to wit:

Rule 41: Disseminating, releasing, altering, defacing or removing any Department record or information concerning police matters except as provided by Department orders,

in that:

On and before July 2, 2010, Detective Michael Takaki accessed the LEADS/NCIC/Illinois Secretary of State databases, from Chicago Police Department computers, and disseminated the information to a citizen for no official police purpose.

The Respondent pled guilty to this charge.

8. The Respondent, Detective Michael Takaki, Star No. 20492, charged herein, is **guilty** of violating, to wit:

Rule 46: Advising any person engaged in a professional or commercial service that such professional or commercial services may be needed,

in that:

On and before July 2, 2010, Detective Michael Takaki called a tow truck driver to traffic crashes and to the 014th District to tow vehicles involved in vehicle crashes.

The Respondent pled guilty to this charge.

9. The Police Board has considered the facts and circumstances of the Respondent's conduct, the evidence presented in defense and mitigation, and the Respondent's complimentary and disciplinary histories, copies of which are attached hereto as Exhibit A. The Police Board determines that Detective Takaki must be discharged from the Chicago Police Department due to the serious nature of the conduct of which he is guilty.

Takaki violated Department rules by calling a tow truck driver, Nezario Arocho, to the scene of traffic crashes for the purpose of allowing Arocho to get towing business, and by disseminating drivers' personal information to Arocho for no valid police purpose. In addition, Takaki received from Arocho, a long-time acquaintance, allegations that two Chicago police officers were receiving bribe payments from tow truck drivers in exchange for preferential treatment at vehicle crash scenes. Takaki testified that Arocho told him that Police Officer Marcos

Hernandez was “being thirsty” and that Police Officer Juan Prado was “being greedy”; Takaki testified that he believed that there was wrongdoing going on by those two police officers—that he believed that “perhaps they were taking money.” (Tr. pp. 59-60.) Nevertheless, Takaki did not report these allegations to the Department until after he was interviewed by the FBI as part of its investigation of tow truck drivers in the 14th District.

The Board understands that Takaki has not been charged with participating in any illegal activity, and, for purposes of these findings and decision, the Board assumes that Takaki did not engage in illegal activity. However, Takaki certainly knew of allegations that other police officers were engaging in criminal activity, and Takaki kept quiet, reporting nothing to his superiors, until after FBI special agents came to his home.

Although Takaki eventually (after the July 2, 2010, interview with the FBI) reported the allegations to his superiors, and now admits that he should have reported them sooner, these facts do not mitigate the seriousness of his conduct. Nor do Takaki’s many years of service with the Department, the favorable testimony of his character witnesses, his extensive complimentary history, and lack of prior disciplinary history. No police officer, even one as highly decorated and contrite as Takaki, can be allowed to remain on the job when he receives allegations that fellow officers were taking bribes, believes that wrongdoing was going on, yet fails to promptly report the allegations to the Department. Such conduct is the type of behavior that perpetuates police corruption, and which seriously undermines public confidence in the Police Department.

The Board finds that Takaki’s conduct is sufficiently serious to constitute a substantial shortcoming that renders his continuance in his office detrimental to the discipline and efficiency of the service of the Chicago Police Department, and is something which the law recognizes as good cause for his no longer occupying his office.

POLICE BOARD DECISION

The Police Board of the City of Chicago, having read and reviewed the record of proceedings in this case, having viewed the video-recording of the testimony of the witnesses, having received the oral report of the Hearing Officer, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts the findings set forth herein by the following vote:

By a unanimous vote, the Board finds the Respondent guilty of violating Rule 6, Rule 21, Rule 22, Rule 41, and Rule 46.

As a result of the foregoing, the Police Board, by a vote of 7 in favor (Carney, Ballate, Conlon, Foreman, Fry, McKeever, Miller) to 1 opposed (Rodriguez), hereby determines that cause exists for discharging the Respondent from his position as a detective with the Department of Police, and from the services of the City of Chicago.

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Police Board Case No. 13 PB 2830

Detective Michael Takaki

Findings and Decision

NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Detective Michael Takaki, Star No. 20492, as a result of having been found **guilty** of charges in Police Board Case No. 13 PB 2830, be and hereby is **discharged** from his position as a detective with the Department of Police, and from the services of the City of Chicago.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 19th DAY OF SEPTEMBER, 2013.

/s/ Demetrius E. Carney

/s/ Melissa M. Ballate

/s/ William F. Conlon

/s/ Ghian Foreman

/s/ Rita A. Fry

/s/ Susan L. McKeever

/s/ Johnny L. Miller

Attested by:

/s/ Max A. Caproni
Executive Director
Police Board

Police Board Case No. 13 PB 2830

Detective Michael Takaki

Findings and Decision

DISSENT

Based on the Respondent's record, years of service with the Department, and the testimony of his character witnesses, I find that a suspension is a more fitting penalty on the facts of this particular case.

/s/ Elisa Rodriguez

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THESE FINDINGS AND DECISION

THIS ____ DAY OF _____, 2013.

SUPERINTENDENT OF POLICE

Report Date: 08 Mar 2013
Report Time: 0831 Hrs

Information Services Division
Data Warehouse
Produced by: PCOT611

Chicago Police Department

Personnel Division

*Only for active personnel



Complimentary History

Name	Title	Star	Unit	Detail Unit	Emp Number
TAKAKI, MICHAEL	9165	20492	630	376	██████████

Achievements

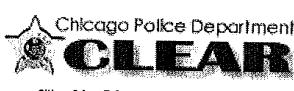
Achievements	Total No.
2009 CRIME REDUCTION AWARD	1
DEPARTMENT COMMENDATION	6
DEMOCRATIC NATIONAL CONVENTION AWARD	1
HONORABLE MENTION	45
PRESIDENTIAL ELECTION DEPLOYMENT AWARD 2008	1
COMPLIMENTARY LETTER	5
2004 CRIME REDUCTION RIBBON	1
ATTENDANCE RECOGNITION AWARD	1
JOINT OPERATIONS AWARD	1
TOTAL AWARDS	62

FOR USE WITH POLICE BOX

CR# 1044108



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THE INFORMATION IS CURRENT AS OF THE
DATE AND TIME OF THE REPORT. THIS



IADR118

CHICAGO POLICE DEPARTMENT
Sustained Complaints History Report

08-MAR-2013 08:29:18 AM

<u>Social Sec. #</u>	<u>Name</u>	<u>Birth Date</u>	<u>Appointed Date</u>	<u>Star #</u>	<u>Emp. #</u>	<u>Rank</u>	<u>Description</u>	<u>Unit</u>
[REDACTED]	TAKAKI MICHAEL	[REDACTED]	02-JAN-1991	20492	[REDACTED]	9165	PO AS DETECTIVE	376
<u>Sex</u>	<u>Race</u>						No. Of SPAR's	
M	SPANISH (DO NOT USE)			0			0	

TO USE THE POLICE BOARD CASE NUMBER
N3-A30